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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,963	11/26/2003	Premier M. Maldonado	004053.103393	8992
29540	7590	10/11/2006		
PITNEY HARDIN LLP 7 TIMES SQUARE NEW YORK, NY 10036-7311			EXAMINER MOSSER, KATHLEEN MICHELE	
			ART UNIT 3714	PAPER NUMBER

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/722,963	Applicant(s) MALDONADO ET AL.	
	Examiner Kathleen Mosser	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boys (US 2003/0224334) in view of Zilberman (US 6341958). Boys teaches a method for language education including: providing an audio depiction, in a first language, of a word corresponding to an image; subsequently, providing an audio depiction, in a second language, of a word corresponding to a thing in the image while the user views the image (at least paragraphs 10 and 45); during the steps of providing an audio depiction, providing a depiction of the spelling of the word in the first language and the second language (the visual indicia in the text); and providing printed material which includes the images of said things, said spelling of said word in said first language, and said spelling of said word in said second language (at least paragraph 38), as in claim 1. The first and second language are presented with equal emphasis so that either said first language or said second language can be taught is demonstrated in paragraphs 35 and 38. Using color to denote each of the images, spellings and audio segments (claims 4-6) is shown in paragraph 43. Regarding claims 8 and 9, although Zilberman does not explicitly recite that the printed material is presented as a "coloring book" or a "placemat" Zilberman teaches that the

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printed matter can be presented in a book form or in a single sheet form, which show the layouts of each of the above items, respectively, see paragraphs 81 and 96.

Boys fails to teach the step of displaying the images as a series of video images on an audio visual display or displaying a word corresponding to the thing in the video image during pay f the first and second language (claim 1); that presenting the video image of a single thing which continues during the step of presenting the audio depictions (claim 3). Zilberman teaches a language acquisition system in which a user views a picture of an item on video display while audio representations of the item are presented to the user, see col. 6: 6-21, 60 – col. 7: 30. It would have been obvious to one of ordinary skill in the art to provide the video output displays of Zilberman with the combined printed/audio system of Boys so as to allow the user to see a dynamic output on the computer screen of the image they selected along with hearing the audio material associated therewith.

Allowable Subject Matter

2. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure
 - a. Clark et al (US 6884076) teaches a system which uses printed and electronic images of items
 - b. Johnson et al (US 7052278) teaches a language acquisition system using visual depiction of images and visual representations of the spelling associated therewith.
 - c. Watkins (US 5275569) teaches a book which includes multiple text entries denoted several translations of a word/phrase

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen Mosser whose telephone number is (571) 272-4435. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kathleen Mosser
Primary Examiner
Art Unit 3715

September 29, 2006